

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF FLORIDA
PANAMA CITY DIVISION**

RAMON ARMAS BORROTO, JR.,

Plaintiff,

vs.

Case No. 5:04cv165-RH/WCS

**OFFICER L. McDONALD,
OFFICER H.A. PATE,
SERGEANT McKENZIE,
and NURSE DONNA KENT,**

Defendants.

_____ /

ORDER

Procedurally, Defendants' summary judgment motion was denied, doc. 79, and this prisoner civil rights action is on the verge of trial. The parties were given the opportunity to obtain further discovery prior to the trial,¹ doc. 80, and the deadline for conducting that discovery has now passed. Docs. 83, 87. The parties shall file a response advising the Court of the status of discovery.

Additionally, in accordance with 28 U.S.C. § 636(c)(2), the parties are again notified that they may consent to full trial before the undersigned, a magistrate judge.

¹ Plaintiff's amended complaint, doc. 19, makes a demand for a jury trial.

Title 28 U.S.C. § 636(c)(1) provides that a full-time United States magistrate judge may, upon consent of the parties, conduct any or all proceedings in a jury or non-jury civil matter and order the entry of judgment in the case when specially designated to exercise such jurisdiction by the district court. The undersigned has been designated to conduct proceedings in accordance with 28 U.S.C. § 636(c). The parties, of course, are entirely free to withhold such consent without any adverse consequences. If Plaintiff desires to consent, the form shall be signed and forwarded to Defendants' counsel. If Defendants consent, the form shall be signed and filed with the Clerk of Court on or before **February 9, 2007**.

If a trial has been demanded, and the parties consent to trial before the undersigned magistrate judge, the Clerk will refer the file to me and a trial will be scheduled. If consent is not given, the Clerk shall refer the file to the assigned district judge for scheduling the trial consistent with his trial schedule.

Accordingly, it is

ORDERED:

1. The parties shall have until **February 2, 2007**, to advise the Court of the status of discovery, and whether this cause is ready to proceed to the pretrial stage.
2. The Clerk of Court shall send the parties a consent form in accordance with 28 U.S.C. § 636(c)(2).
3. The parties shall have until **February 9, 2007**, in which to file a consent form if desired.

4. The Clerk of Court is directed to return this file to the undersigned no later than February 2, 2007.

DONE AND ORDERED on January 17, 2007.

s/ William C. Sherrill, Jr.
WILLIAM C. SHERRILL, JR.
UNITED STATES MAGISTRATE JUDGE